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# Andersen v. Idaho Dept. of Correction Appellant's Brief Dckt. 41530

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Inmate name JAMES ANDERSEN  
IDOC No. 37206  
Address 1640 11th Ave.  
N. Nampa ID. 83687

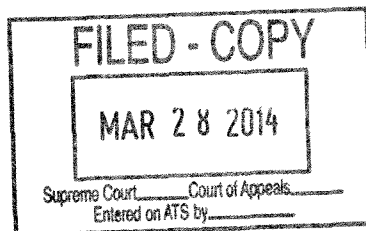
Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

JAMES ANDERSEN, )  
Appellant, )  
vs. )  
OLIVIA CRAVIN, )  
IDAHO Dept of correction, )  
ET AL - John Does I-V in )  
their official Respondent. )  
capacity )

Case No. 41530  
CV-HC-2013-12361  
APPELLANT'S BRIEF

Appeal from the District Court of the Fourth Judicial District  
for ADA County.  
The Honorable DANIEL C. HORTBUTT, JR. District Judge presiding.



OCT 30 2006

By [Signature]  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JAMES CHRISTIAN ANDERSEN, )  
DOB [REDACTED] )  
SS#: [REDACTED] )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. H0601104

JUDGMENT OF CONVICTION  
AND COMMITMENT

On the 26th day of October, 2006, before the Honorable Mike Wetherell, District Judge, personally appeared Gabriel Haws, Deputy Prosecuting Attorney of the County of Ada, State of Idaho, and the defendant with his attorney, Patrick McCoy.

This being the time fixed for pronouncing judgment in this matter; said defendant was duly informed by the Court of the nature of the Information filed against him for the crimes of:  
I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c); and II. POSSESSION OF DRUG PARAPHERNALIA, MISDEMEANOR, I.C. § 37-2734A, committed on or about the 3rd day of August, 2006; of his arraignment on September 14, 2006, at which time the defendant appeared in person and with counsel and was advised of the charge and the possible penalties and was further advised of the applicable constitutional and statutory rights.

Thereafter, on September 14, 2006, the defendant entered a plea of guilty to: I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c); which plea was accepted following examination of the defendant under oath and waiver of all applicable rights. Count II was dismissed pursuant to plea negotiations. Sentencing was continued for preparation of a presentence report, which was completed and reviewed by the Court and counsel.

The Court asked whether the defendant had witnesses or evidence to present in a hearing in mitigation of punishment; heard statements from counsel; and gave defendant an opportunity to make a statement.

The defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him to which he replied that he had none. And no sufficient cause being shown or appearing to the Court, thereupon the Court renders its judgment: that whereas the said JAMES CHRISTIAN ANDERSON having been duly convicted in this Court for the crime of:  
I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c);

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED That the said defendant, JAMES CHRISTIAN ANDERSON, is guilty of the crime of I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), and that he be sentenced to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed seven (7) years: with the first two (2) years of said term to be FIXED, and with the remaining five (5) years of said term to be INDETERMINATE. The defendant shall receive credit for ninety-two (92) days served in pre-judgment incarceration toward the FIXED portion of the term as provided by Idaho Code 18-309. This sentence shall run **concurrent** with the sentence imposed in Ada County Case No. H0300903.

The Court recommends that the defendant receive any/all substance abuse treatment and cognitive based programming available within the Department of Correction, including participation in the Therapeutic Community.

Defendant shall pay \$100.00 restitution for lab costs. All other fines, fees and costs are hereby waived due to the defendant's indigence.

The defendant was advised of his rights to an appeal and then remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

DATED this 26th day of October, 2006.

  
MIKE WETHERELL  
District Judge

STATE OF IDAHO  
COUNTY OF ADA  
I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 26th day of October, 2006.  
CHRISTOPHER D. RICH, CLERK  
By [Signature] Deputy  
CLERK FOR ADA COUNTY

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U.S. CONSTITUTIONAL AMENDMENTS 6  
EX POST FACTO ART I SEC 10

Due process, Equal protection, CRUEL & UNUSUAL Punishment

## STATEMENT OF THE CASE

### A. Introduction

The petitioner timely appeals the district courts order to dismiss with prejudice.

### B. Statement of Facts and Course of Proceedings

The petitioner is in jeopardy of serving a larger term of incarceration under the care and custody or control of IDAHO Dept of correction, under Randy Blades from the term imposed by The fourth Judicial District court of The State of IDAHO IN AND for the county of ADA.

Case # H0601104, date of sentence 10/26/06, date of crime 8/3/06, sentencing Judge Mike Wetherell. 379 days of parole time have been taken from me unconstitutionally.

Primary statute authorizes a sentence to a specific term of incarceration under the care and custody or control of The dept of correction. Statute 20-228 is a conflicting secondary statute and is in direct conflict with primary statute.

IDAHO Appellate courts have stated that parole is simply another level of custody in response to a parolees search and seizure by parole officers of his or her residence.

No different than searching a cell, you are still under the care and custody of IDAHO Dept of correction and parole officers, parole time on the streets is still in custody.

Statute 20-228 is unconstitutional on its face and is void for vagueness in that it allows for uncontrolled discretionary actions by the Parole Board. Violates constitutional rights of American citizens.

Statute 20-228 petitioner asserts violates equal protection, due process, cruel and unusual punishment and ex post Facto law when it allows the parole Board the power to take a parolees street time.



ISSUES PRESENTED ON APPEAL

1. Did the Parole Board abuse its power and violate the constitutional rights of due process, Equal protection, cruel and unusual punishment, and Expost Facto law of the petitioner?
2. Did the Honorable Daniel G. Hurlbut Jr ignore and never delt with or even talk about the main crux of my spit, that 20-228 is unconstitutional on its face and is void for vagueness in that it allows a group of people to discriminate and be prejudiced against whom ever they want behind the color of this law?
3. Is the Parole Board and the Dept. of correction running a revolving door system and running a prison for profit by taking certian parolees street time that are minimum custody and always work in the prison system or able to go to a work center and make Dept of correction money?
4. Is The Parole Board and the Dept. of correction running a system that is set up to fail to keep the prison system full to honor a contract with C.C.A. to keep that prison full

## ARGUMENT

### A. Introduction

My constitutional rights as an American citizen are being violated by IDAHO and or IDAHO Dept of correction.

### B. Argument

IDAHO has no systematic policy or procedure in equally and fairly applying street time or parole time into plaintiffs sentence. No systematic policy or procedure in setting plaintiffs release date of completion.

IDAHO is violating plaintiffs rights of due process, equal protection, cruel and unusual punishment and ex post facto law of the U.S. and IDAHO constitution.

Due process is protection of the individual against arbitrary action of the government. 5<sup>th</sup> Amendment

Equal protection which also means equal application of the law, people in like situations have to be treated alike. 14<sup>th</sup> Amendment

Cruel and unusual punishment, petitioner has a right to a specific term of incarceration and a release date of completion to be free to enjoy life and liberty. 8<sup>th</sup> Amendment

Ex post facto law, after the fact, a constitutional protection that prohibits punishment, or an unexpected punishment - law impairing obligation of contract shall never be past. ART 1 sec 10

(Example) two + five is in fact a seven year sentence with the possible early release at two years with five on parole. However parole Board is prejudicial and discriminatory in forcing some inmates to serve over their sentences by the unequal application of taking some inmates parole time and not others.

Petitioner asserts that you cant be a peace keeper and a protagonist at the same time.

## <CAUSE OF ACTION>

As of August, 3rd 2013, I the petitioner am being held illegally by the dept. of correction under the care and custody of Ramon Blades at IDAHO STATE CORRECTIONAL INSTITUTE.

On May 14th, 2013 the parole Board took 189 more days of my parole time. The time before that they took 190 days for a total of 379 days.

I will be over a year past the true expiration of said sentence. Petitioner asserts again that this is a violation of said constitutional rights.

Petitioner has never brought back a new felony charge and has worked hard to get off parole. Petitioner asserts the first time parole was revoked in 2010 was a misdemeanor eluding charge on my harley because I didn't want it impounded and went two blocks to my friend house to deal with the police there. They were after a guy on a harley that just beat up his wife. This was not me but since I was on parole and my licence had suspended the day before I was arrested. SR&A had lapsed was waiting to get my paycheck on Monday.

The Parole Commission went back to the first time they said I was in violation on parole "Driving on expired licence" and took 190 days of my parole time. I had no other violations.

Petitioner asserts that the last time I was on parole I was violated for moving without permission, admitted to drinking and marijuana use twice, non-attendance and not going back to treatment.

Petitioner was out two years this last time. I had graduated a six month intensive out patient drug and alcohol program, was going to school in applied science and biology to fire fighting at C.W.I. I had completed my type I fire fighting quals., my ISO pump, FEMA class and was going for my Eng. Boss qualifications.

I didn't have any violations for eighteen months was never put in for an early release, had lived in four different halfway houses, had five different parole officers and couldn't get one of those parole officers to answer an email that my case manager Jill Baumgart and I had left about setting up a conference to meet about some changes I needed in my life to be able to make it on parole.

Petitioner had finally moved in with a friend of mine's mother that needed and I was going back to Easter seals for drug and alcohol classes that parole and probation wanted me to start again.

My Parole officer shows up late one night and the gates were shut, "its a gated community" so instead of calling the home phone or my cell phone, "wich he had" he called the communities managers phone and this got me kicked out the next morning.

Petitioner asserts that you are set up to fail here in IDAHO on parole and this is a revolving door system. Petitioner called parole officer the next morning and left a message that I was kicked out from management.

Petitioner called his parole officer a few days later and said I was tired of the system, didnt want to live in another halfway house, was done with parole and to put a warrent out I would just top this sentence. I also told him I would be filing a habeus corpus for the 190 days they took from me, that I had payed all my cost of supervision and would get it back and all I would have to do is six months and it would be done. I told him this system is broken and that I just wanted my life back.

Petitioner asserts that I had absconded after that for about a month, called case manager Jill Baumgart couple times a week to find out when warrent was out and turned myself in as soon as it was.

Petitioner had my onsite with member from the Board, at this meeting told him the same thing was done with parole, its a revolving door system, there is no early release, that the six month program I went through "Easter Seals" was supposed to be an early release program and I never got released. I told him that its all about money, I just want my life back and you people out of it. Petitioner brought up the fact that I was a model inmate, worked on the prison fire and logging crew for two years, was doing good out on parole, was on most of the fires here in IDAHO during the cold season and felt I was not being allowed to grow anymore, was being hobbled like an old horse.

Petitioner went to his Parole Board hearing, Told them the same thing, wanted my life back, was going to file a habeus corpus to get the parole time back that they took from me the last time, that I had payed all my cost of supervision, that their not helping me anymore, their rendering me, just to top me and to please give me the parole time that they took from me last time back so I could be done with this in six months and go on with my life.

Petitioner expecting to top or get a gold seal, was told to top wich was fine except for the fact that took 189 more days of my street time again.

Petitioner asserts that he is being unfairly punished, that this is unequal application of the law.

Petitioner asserts and enters into evidence other violators that went to Board with me in the month of May 2013 and June of 2013 that got all their parole time.

- 1 JASON TASTOD - 80851 - ABSCONDING
- 2 MIKE SEAN CRIST - 39735 - Dirty U.A's + Poss of ALC.
- 3 Rodney Self - 40343 - cerfew viol. and ABSCONDING
- 4 JAMES SHAW - 73712 - ?
- 5 DAVID BLACK - 80996 - ABSONDING, Admitted to Daily meth use, Admitted to I.V use of meth, FAILED A B.A.C, Poss of ALCOHOL, Associating with known felons, Dating felon, GANGS Activity, failed drug tests, not completing treatment, Left halfway house - moved without permission, Unavailable for supervision, No shows for drug tests, Leaving State, busted with MARIJUANA IN ADA county JAIL but not charged, was questioned about it a Board hearing!
- 6 Mr. Rodriguez - 62645 - ABSCONDING, Costodial enter - ferance
- 7 Mr. Richie - 91229 - moving without permission, UNSUPERVISABLE, Dirty U.A's, \$700.00 behind in cost of supervision.

Petitioner asserts that this is whimsical, discriminatory, and unconstitutional. Petitioner asserts also that he is a commodity out here, that he is always minimum custody, is always at a work center or on the prison fire crew making the State money. This is clearly being run as a prison for profit. I'm either working for pennies on the dollar fighting fires or at a work center being charged fifty percent of what I make. The people that get their parole time are unemployable or gang bangers that cant work on a fire crew or go to a work center because of their high classification. The Dept. of correction holds on to people like me as long as they can.

It is unconstitutional for the State of IDAHO to have the plaintiff sentenced by a court to serve seven years and take him over his maximum sentence by not counting street time.

Under the provision of IDAHO code § 19-2513 The sentencing Judge does set the maximum amount of punishment to be served under the care and "control" of the Board of correction; when starting, length of time and how many years not to exceed.

Petitioner asserts that under title 37 chapter 27 (c) (1) - uniform controlled substances, that the maximum sentence for a possession is seven years.

Petitioner asserts that when a person is not only sentence to the maximum of the law, but also the maximum of what a Judge handed down, he must be released on his seven year date.

Even an inmate refusing parole on a seven year sentence only does seven years. The state turning a seven year sentence into eight, ten, twenty simply by unconstitutionally denying his parole time, violates plaintiff's amendments set forth in both IDAHO AND The U.S constitution. Petitioner asserts that this is more an obstruction of Justice.

Petitioner asserts that IDAHO is running a prison for profit, clearly running a revolving door system. Keeping the prison full to uphold the contract with C.C.A. to keep I.C.C. full. And also turning certain inmates into a commodity, which is also unconstitutional. When a number of IDAHO Government employees from Judges, Top parole Board members, corrections Board and politicians and or there families HAVE MAJOR stock in a private prison system it is a conflict of interest and despotical.

The touch stone of due process is the protection of the individual against arbitrary action of the Government. The failure of a state to abide by its own statutory commands; Judgment by Judicial system, violates the due process and equal application of the law but also breaches contract Art. I, section 10; violating ex post facto law, "No state shall pass a law impairing obligation of said contract". Puts into play I.C. ss 18-2901 false imprisonment and § 18-4501 Kidnapping.

The Petitioner asserts that first and foremost he is an American citizen, then a citizen of IOWA, so not only is my constitutional rights of equal protection being broken but IOWA taking some inmates parole time and not others similarly situated, that since it has been decided by nearly every state in the union and the Federal courts that to forfeit the time spent on parole has a direct effect of increasing the time a person is subject to serve on the underline sentence, that for this reason it must be deemed to constitute a multiple punishment and exceeds the statutory limits the state has on the sentence. The rights of equal protection and equal application of the law as a United States citizen are being violated. The foregoing contentions are supported by Federal case law, which is what the cause and basis the petitioner is asserting that will entitle him to habeas corpus relief under 28 U.S.C, 2254a.

STATE V. Breed<sup>(11)</sup>, IDAHO 497, 725 p.2d 202 (1986) "The principle to underlying the equal protection clause of both the IDAHO STATE constitution and the U.S constitution is that all people who are situated in like circumstances are treated alike."

U.S. v. Shead, 568 F.2d 678 (1978) "Refusal to give sentencing credit for time spent on probation on Federal sentence, although parolees are entitled to credit for time spent on parole, does not violate equal protection principles"

Jones v. Cunningham, 371 U.S. 236, (1963) "Time served on parole is to be considered as "IW custody" for purposes of credit for time served"

IN RE: Proot, 12 IDAHO 494, 86 p275, (1906) - A prisoner who has been paroled by the Board of Pardons, and There after re-arrested and returned to the penitentiary, is entitled to his discharge at the expiration of the period for which he was sentenced by the court and he cannot be detained for the purpose of serving an additional amount of time equaling the time he was out on parole."



STANDLEE V. STATE, 96 IDAHO 849, 538 P.2d 778 (1975)  
"Parole merely allows a convicted party to serve part of his sentence under conditions other than those of the State penitentiary"

SAMSON V. California, 547 U.S. 843 a. 850, (2006)  
"Since an individual must surrender a number of constitutional rights and is subject to additional requirements as ordered by the supervising officer, that individual is there, by paying a debt for his offence, and this is to be considered as part of the punishment for his offence, and is to be considered a variation of incarceration".

The Petitioner asserts that the forgoing contentions support the fact that when a parolee is being told, when to see his parole officer, where to live, what classes to take, what jobs you can take, paying cost of supervision, if you can, have a relationship, can't leave the state, lose of search a siesure of your home ext... you are still under the care and custody of the Dept of correction and are paying a debt to society.

Petitioner asserts that the U.S sentencing commission and Federal sentencing guild lines STATE that the combined time in custody and your time on parole cannot exceed the maximum sentence of your crime.

In Berger V. Spaulding, 881 F.2d 719, 721 9th Cir. (1989) The court held that "a prisoner has a statutory right to an accurate computation of his time and a mandatory completion date"

Petitioner asserts also that I signed a plea bargain for two plus five for seven years total. That 20-228 is in direct conflict with that sentence, puts the Parole Board in as a third party intertoper and violates the ex post Facto law.

Bocian V. GONINEZ, C.A. 7 (III.) 1996, 101 F. 3d 465. Habeas corpus 383. Petitioner fairly presented to state court that imposition of extended term sentence amounted to ex post facto application of amended sentencing statute in violation of 14th amendment and thus claim cognisable in habeas corpus, Federal constitution prohibited legislature retroactively altering or increasing punishment"

Petitioner assert that in Craig V. Engle, N.D Ohio 1985, 613 = Supp. 782. aff. 793 F.2d 1291, certiorari, 107 S. Ct 463, 479 U.S. 963, 93 C. Ed. 2d 408 "imposition of parole conditions which significantly confined and restrained his present freedom offiiciently kept him in "custody" for purposes of ss 2254 of This petition was not moot. "Once again parole is still in custody"



In *Dunne v Keohane*, 14 F 3d 335 7th cir. (1994) revised and upheld, "where a person is released onto parole his sentence is not specifically suspended, it continues to run. The parole is a change of a manner of punishment only and is not a suspension of the sentence."

In opinion No. 94.3 given by Attorney General Larry EchoHalk (IDAHO) in July of 1994 to the Executive Directory of the IDAHO Commission of Pardons and Parole. "Olivia Craven" It was clearly stated that "...a parole merely allows a convicted party to serve part of his or her sentence under conditions other than those of the penitentiary. The party is not pardoned of his or her guilt, nor is a portion of his sentence commuted."

Under § 20-228 - "The sentence is not suspended until a warrant is issued. Then from that point such a person is considered a fugitive from Justice."

Under IDAHO code § 20-209, a prisoner is considered in custody of State Board until he becomes voluntarily absent from any form of supervision or control.

Under IDAHO code § 20-225, "The time that a prisoner is considered to be at large from prison officials or custody shall not count as part of sentence"

Under IDAHO code § 20-223, a person going out onto parole must remain and be considered in legal custody of The Board of Corrections.

In *Winter v. State*, 177 IDAHO 103, 785 P. 2d. 667 Ct. App. (1989) "The speaking of the time spent during a revoked parole was delt with, not the time done prior to being revoked, it was said that such time cannot be deemed part of sentence."

After this ruling IDAHO CODE § 20-228 was amended and gave the Parole Commission discretion after it was suspended or revoked, not before the suspension. But the Parole Commission uses this discretion to forfeit time on parole prior to the suspension. They are in fact extending the petitioners maximum not to exceed portion of sentence. Violating Expost facto law and violating equal protection when they take petitioners parole time and give others similarly situated with the same violations or worse violations as I have clearly shown by evidence in "cause of action" to this suit.

In *STANDLEE v. STATE* 96 IDAHO 849, 538 P. 2d 778 (1975) It was said that The Executive branch of Government has no lawful authority to exercise Judicial powers by abrogating, annulling, overriding or extending a duly imposed sentence."

In RE: PROCT, 12 IDAHO 494, 86 P. 275, 5 L.A.R. N.S. 1064; ANN. CAS. 199 (1906) This holding remains undisturbed. "The Board of Pardons has no power to increase or extend penalties or punishment imposed by the judgment of the courts, they cannot require a convict who has broken his parole to undergo imprisonment after the expiration of that time fixed by the judgment of conviction, by requiring him to serve additional time equal to that which he was out on parole."

In U.S. v. Woodward, 726 F.2d 1320, 1325 cir. Cal. The court clearly states AND holds. "That the adding to a persons sentence is left to and solely upon the sentencing court AND not on the Parole commission where the prisoner was handed over, as is already sentenced and that the sentence was to be abided by and not deviated from"

Under IDAHO code § 20-228 the Parole commission may attach any condition to a parole, so long as the condition is not immoral, illegal, or impossible to achieve, and such conditions must be specific in writing.

The Petitioner states that nowhere in the Parole agreement does it state that the sentence is being suspended so such prisoner may go out on parole, nor does the parole agreement become specific when dealing with the time that as it is stated, "maybe forfeited in full or in part." Clearly this falls under the Vagueness standard as the prisoner does not know if he or she will be extended at the whim of the Parole Board. Laws and statutes have to be transparent. The U.S. constitution values transparency. This is more a request by said commission for the prisoner to agree to do his time twice over if he breaks the conditions of parole.

In the State of IDAHO a parolee cannot simply choose to his time without being forced to accept parole. IF a prisoner refuses parole, he is subject to punishment set forth by I.D.O.C. policy.

Under IDAHO code § 18-313 a prisoner has rights AND these rights ARE to be protected

Under IDAHO code § 20-219 It is the duty of the IDAHO STATE Parole Commission to supervise all persons released onto parole and this must protect said rights until released from their custody is complete.

It is said in IDAHO code § 19-4219 "IF no legal cause is shown for such imprisonment or restraint or for the continuation thereof; such court or Judge must discharge such party from the custody or restraint under which he is held"

Petitioner asserts that there is no legal cause to detain him beyond the expiration of said sentence, except to punish him beyond the time limit set forth by law and force him to undergo constitutional violations of his rights of due process, equal protection, cruel and unusual punishment and violation of ex post facto law of Art I Sect. 11

As it has been clearly proven that time done on parole prior to the suspension is legal custody and must be calculated towards the expiration of such sentence.

As it is stated in *Carpenter v. Lord*, 177 p. 577 (1918) and in *State v. Goddard*, 69 Or 73, 133 Pac. 90; 138 Pac. 243; (CHIEF Justice McBride). *Hughes v. Pelante*, 138 Fed. 980 71 cca. 243 Where the court has said... "The parolee while on parole is a prisoner no less than a prisoner physically confined. He is under daily personal restraint, is at all the time answerable to the prison systems officials for his conduct."

↓ *U.S. v. Melody*, supra 551 F 2d at 1099 and *Shields v. Beto*, 370 F 2d 1005, 1006 5th cir. (1967) also in *White v. Pearlman*, 42 F 2d 788 10th cir. (1930) *Ex parte v. Eley*, 9 OKL. C. 76, 130 Pac. 821 App. (1913) and in *Restriker v. Kan.* 700, 33 Pac. 620 (1893) "A prison sentence runs continually from the time which the defendant surrenders to begin serving it. The Government is not permitted to delay the commencement of the sentence or by releasing the prisoner for a time and reimprisoning him, delaying indefinitely the expiration of his debt to society and his reintegration into the free community. "Punishment on the installment plan is forbidden."

In *Graig v. STATE*, 123 IDAHO 121, 844 P 2d. 1371 (1992) Appeal courts held... "The rules of evidence applicable to judicial proceedings need not be observed at a parole hearing and revocation", and in doing so creates cruel and unusual punishment upon the prisoner as well as the family and friends. By stripping him of rights reserved for the people, such as due process, equal protecting of said rights. When a punishment becomes excessive and a person is put twice in jeopardy of life by the refusal of the Government representatives to follow without question and controversy of the rules and guidelines set forth in the courts. Judgment of conviction and primary statute to be executed and followed, can only be seen as arbitrary acts of said Government against the petitioner for no other reasoning except to punish him beyond the states hold and put into question the integrity of said Government and the IDAHO states judicial system. Thus a reminder must be set forth in, order to regain its constitutional provisions as set forth here in.

### CONCLUSION

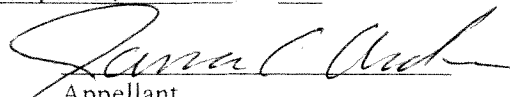
Therefore, appellant respectfully requests that this court [what court should do].

Petitioner wants the primary statute carried out "Judgment of conviction that was in 2006" as it has been clearly proven that parole time counts. It has also been proven that IDAHO is in violation of ART I SEC 10 EX POST-FACTO, AND THAT 20-228 IS VIOLATING Equal Protection Clause of the U.S. CONSTITUTION. → CRUEL + UNUSUAL PUNISHMENT - Due process

Petitioner WANTS TO BE RELEASED IMMEDIATELY, WANTS TO GET ON WITH HIS LIFE, prisons were supposed to have been built to keep violent offenders off the street NOT keep a prison full with non-violent people.

Petitioner feels he has payed his debt to society, AND THIS IS OVER-KILL AND ITS JUST WRONG TO DO THIS TO PEOPLE AND THEIR FAMILIES. IF THE MAJORITY OF IDAHO TAXPAYERS KNEW WHAT WAS GOING ON OUT HERE THEY WOULD THROUGH A FIT. There are alot Beter things TAXES need to be going to "SCHOOLS" are alot Beter things THAT THIS MONEY SHOULD BE GOING TO. IN ALL THE STATES AROUND IDAHO A PERSON WOULDNT HAVE EVEN GOTTEW THE AMOUNT OF TIME THEIR HANDING OUT IN IDAHO FOR A POSSESSION CHARGE ~ HALF GRAM OF METH ~ LET ALON HAVE THEIR PAROLE TIME TAKEN FROM THEM. ALL I here out here is how FULL the prison system is, well LET THE PEOPLE OUT THAT HAVE DONE THEIR TIME PLEASE.

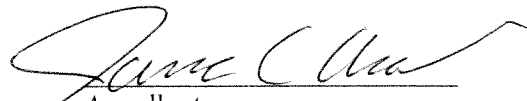
Respectfully submitted this 26 day of MARCH, 2014.

  
Appellant

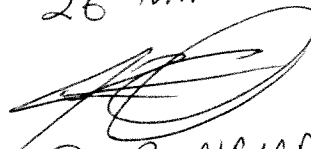
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 26 day of MARCH, 2014, I  
mailed a true and correct copy of the APPELLANT'S BRIEF via prison mail system for  
processing to the United States mail system, postage prepaid, addressed to:

Deputy Attorney General  
Criminal Division  
P.O. Box 83720  
Boise, ID 83720-0010

  
Appellant



26 MARCH 2014  
  
CWC-NAMPA  
Commission Expires 25 MARCH 2020